



**STATE OF WISCONSIN
DEPARTMENT OF NATURAL RESOURCES**

**GENERAL PERMIT TO DISCHARGE UNDER THE WISCONSIN
POLLUTANT DISCHARGE ELIMINATION SYSTEM
WPDES PERMIT NO. WI-S050075-2**

In compliance with the provisions of ch. 283.33 Wis. Stats., and chs. NR 151 and 216, Wis. Adm. Code, owners and operators of municipal separate storm sewer systems are permitted to discharge storm water from all portions of the

MUNICIPAL SEPARATE STORM SEWER SYSTEM

owned or operated by the municipality to waters of the state in accordance with the conditions set forth in this permit.

With written authorization by the Department, this permit will be used to cover a municipal separate storm sewer system initially covered under a previous version of a municipal separate storm sewer system permit. The **Start Date** of coverage under this permit is the date of the Department letter sent to the municipality authorizing coverage under this permit. The Department is required to charge an annual permit fee to owners and operators authorized to discharge under this permit in accordance with s. 283.33(9), Wis. Stats., and s. NR 216.08, Wis. Adm. Code.

State of Wisconsin Department of Natural Resources
For the Secretary

By _____
Pamela A. Biersach, Director
Bureau of Watershed Management
Division of Water

Date Permit Signed/Issued

PERMIT EFFECTIVE DATE:

EXPIRATION DATE:

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1.5 Impaired Water Bodies and Total Maximum Daily Load Requirements

1.5.1 By March 31, 2014 and by March 31 biennially thereafter, the permittee shall determine whether any part of its MS4 discharges to an impaired water body listed in accordance with section 303(d)(1) of the federal Clean Water Act, 33 USC §1313(d)(1)(C), and the implementing regulation of the US Environmental Protection Agency, 40 CFR §130.7(c)(1).

Note: A list of Wisconsin impaired water bodies may be found on the Department’s Internet site at: <http://dnr.wi.gov/topic/impairedwaters/>

1.5.2 If the permittee’s MS4 discharges to an impaired water body, the permittee shall include a written section in its storm water management program that discusses the management practices and control measures it will implement as part of its program to reduce, with the goal of eliminating, the discharge of pollutant(s) of concern that contribute to the impairment of the water body. This section of the permittee’s program shall specifically identify control measures and practices that will collectively be used to try to eliminate the MS4’s discharge of pollutant(s) of concern that contribute to the impairment of the water body and explain why these control measures and practices were chosen as opposed to other alternatives.

1.5.3 After the effective date of this permit, the permittee may not establish a new MS4 discharge of a pollutant of concern to an impaired water body or increase the discharge of a pollutant of concern to an impaired water body unless the new or increased discharge causes the receiving water to meet applicable water quality standards, or the Department and the USEPA have approved a total maximum daily load (TMDL) for the impaired water body. If there is an approved TMDL for the receiving water, the permittee must shall comply with Section 1.5.4 below. “New MS4 discharge of a pollutant” has the meaning specified under section 1.4.2.1 of this permit.

Note: Approved TMDLs are listed on the Department’s Internet site at: <http://dnr.wi.gov/topic/impairedwaters/>

1.5.4 If prior to the effective date of this permit the Department and the USEPA have approved a TMDL to which the permittee’s MS4 discharges a pollutant of concern and the TMDL assigns the permittee a wasteload allocation, then the permittee shall comply with sections 1.5.4.1, 1.5.4.2, and 1.5.4.3 below as appropriate.

Note: Approved TMDLs are listed on the Department’s Internet site at: <http://dnr.wi.gov/topic/impairedwaters/>. As of the effective date of this permit, approved TMDLs that affect the applicability of section 1.5.4 are the Rock River in south central Wisconsin, Tainter/Menomoin Lakes in west central Wisconsin, and the Lower Fox River in northeast Wisconsin.

1.5.4.1 With the annual report due March 31, 2014, the permittee shall submit all of the following:

1.5.4.1.1 An updated storm sewer system map that identifies:

1.5.4.1.1.1 The current municipal boundary. For a permittee that is not a city or village, identify the permitted area.

1.5.4.2.4 The percent reduction in pollutant load achieved calculated from the no-controls condition determined under section 1.5.4.2.2 and the existing controls condition determined under section 1.5.4.2.3.

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1.5.4.2.5 The existing storm water control measures including the type of measure, area treated in acres, the percent-pollutant load reduction efficiency, and confirmation of the permittee's authority for long-term maintenance of each practice.

1.5.4.3 If the summary required under section 1.5.4.2 shows that the permittee is not achieving the applicable percent reductions needed to comply with its TMDL wasteload allocation for each TMDL reachshedmeeting all of its wasteload allocations, then with the annual report due March 31, 2017, the permittee shall submit a written plan to the Department that describes how the permittee will make progress toward achieving the wasteload allocationscompliance. The plan shall include the following information:

1.5.4.3.1 Recommendations and options for storm water control measures that will be considered to reduce the discharge of each pollutant of concern.

1.5.4.3.2 A proposed schedule for implementation of the recommendations and options identified under section 1.5.4.3.1.

Note: The proposed schedule may extend beyond the expiration date of this permit.

1.5.4.3.3 A cost effectiveness analysis for implementation of the recommendations and options identified under section 1.5.4.3.1.

Note: The Department intends to develop guidance and make it available on the Department's Internet site to assist a permittee with developing a plan under this section. The plan may incorporate green infrastructure or low impact development practices. For many some pollutants of concern, water quality trading may be an option considered by a permittee as part of its plan. For phosphorus reduction, a permittee may consider entering into an adaptive management agreement with a traditional point source discharger as described in s. NR 217.18, Wis. Adm. Code.

Commented [GU2]: As we discussed, suggest "many" vs. "any" to account for pollutants not well suited for trading, such as bacteria

1.5.4.4 The permittee shall implement the plan for meeting the TMDL WLA as part of its ongoing stormwater management program and shall report on progress in implementing BMPs to meet the TMDL WLA as part of its annual MS4 reports.

Commented [BJK3]: As we discussed during our call on May 9, the intent is that the planning would be done during this permit cycle and that future permit cycles will have the expectations for implementation.

1.5 Impaired Water Bodies and Total Maximum Daily Load Requirements

1.5.1 By March 31, 2014 and by March 31 biennially thereafter, the permittee shall determine whether any part of its MS4 discharges to an impaired water body listed in accordance with section 303(d)(1) of the federal Clean Water Act, 33 USC §1313(d)(1)(C), and the implementing regulation of the US Environmental Protection Agency, 40 CFR §130.7(c)(1).

Note: A list of Wisconsin impaired water bodies may be found on the Department's Internet site at: <http://dnr.wi.gov/topic/impairedwaters/>

1.5.2 If the permittee's MS4 discharges to an impaired water body, the permittee shall include a written section in its storm water management program that discusses the management practices and control measures it will implement as part of its program to reduce, with the goal of eliminating, the discharge of pollutant(s) of concern that contribute to the impairment of the water body. This section of the permittee's program shall specifically identify control measures and practices that will collectively be used to try to eliminate the MS4's discharge of pollutant(s) of concern that contribute to the impairment of the water body and explain why these control measures and practices were chosen as opposed to other alternatives.

1.5.3 After the effective date of this permit, the permittee may not establish a new MS4 discharge of a pollutant of concern to an impaired water body or increase the discharge of a pollutant of concern to an impaired water body unless the new or increased discharge causes the receiving water to meet applicable water quality standards, or the Department and the USEPA have approved a total maximum daily load (TMDL) for the impaired water body. If there is an approved TMDL for the receiving water, the permittee shall comply with Section 1.5.4 below. "New MS4 discharge of a pollutant" has the meaning specified under section 1.4.2.1 of this permit.

Note: Approved TMDLs are listed on the Department's Internet site at: <http://dnr.wi.gov/topic/impairedwaters/>

1.5.4 If prior to the effective date of this permit the Department and the USEPA have approved a TMDL to which the permittee's MS4 discharges a pollutant of concern and the TMDL assigns the permittee a wasteload allocation, then the permittee shall comply with sections 1.5.4.1, 1.5.4.2, and 1.5.4.3 below as appropriate.

Note: Approved TMDLs are listed on the Department's Internet site at: <http://dnr.wi.gov/topic/impairedwaters/>. As of the effective date of this permit, approved TMDLs that affect the applicability of section 1.5.4 are the Rock River in south central Wisconsin, Tainter/Menomnin Lakes in west central Wisconsin, and the Lower Fox River in northeast Wisconsin.

1.5.4.1 With the annual report due March 31, 2014, the permittee shall submit all of the following:

1.5.4.1.1 An updated storm sewer system map that identifies:

1.5.4.1.1.1 The current municipal boundary. For a permittee that is not a city or village, identify the permitted area.

and confirmation of the permittee's authority for long-term maintenance of each practice.

1.5.4.3 If the summary required under section 1.5.4.2 shows that the permittee is not achieving the applicable percent reductions needed to comply with its TMDL wasteload allocation for each TMDL reachshed, then with the annual report due March 31, 2017, the permittee shall submit a written plan to the Department that describes how the permittee will make progress toward achieving compliance with the WLA. The plan shall include the following information:

1.5.4.3.1 Recommendations and options for storm water control measures that will be considered to reduce the discharge of each pollutant of concern.

1.5.4.3.2 A proposed schedule for implementation of the recommendations and options identified under section 1.5.4.3.1.

Note: The proposed schedule may extend beyond the expiration date of this permit.

1.5.4.3.3 A cost effectiveness analysis for implementation of the recommendations and options identified under section 1.5.4.3.1.

Note: The Department intends to develop guidance and make it available on the Department's Internet site to assist a permittee with developing a plan under this section. The plan may incorporate green infrastructure or low impact development practices. For some pollutants of concern, water quality trading may be an option considered by a permittee as part of its plan. For phosphorus reduction, a permittee may consider entering into an adaptive management agreement with a traditional point source discharger as described in s. NR 217.18, Wis. Adm. Code.

1.4.2 The permittee may not establish a new MS4 discharge of pollutants to an ORW or an ERW unless the storm water management programs required under this permit are designed to ensure that any new MS4 discharge of pollutants to an ORW or ERW will not exceed background levels within the ORW or ERW.

1.4.2.1 “New MS4 discharge of pollutants” or “new MS4 discharge of a pollutant” means an MS4 discharge that would first occur after the permittee’s original start date of coverage under an MS4 permit to a surface water to which the MS4 did not previously discharge storm water, and does not include an increase in an MS4’s discharge to a surface water to which the MS4 discharged on or before coverage under this permit.

1.4.2.2 “Original start date of coverage under an MS4 permit” means the permittee’s Start Date of coverage under the first MS4 permit under which it received coverage.

1.4.3 If the permittee has an existing MS4 discharge to an ERW, it may increase the discharge of pollutants if the increased discharge would not result in a violation of water quality standards.

1.4.4 If the permittee has an existing MS4 discharge to an ORW, it may increase the discharge of pollutants provided all of the following are met:

1.4.4.1 The pollutant concentration within the receiving water and under the influence of the existing discharge would not increase as compared to the level that existed prior to coverage under this permit.

1.4.4.2 The increased discharge would not result in a violation of water quality standards.

1.5 Impaired Water Bodies and Total Maximum Daily Load Requirements

1.5.1 By March 31, 2014 and by March 31 biennially thereafter, the permittee shall determine whether any part of its MS4 discharges to an impaired water body listed in accordance with section 303(d)(1) of the federal Clean Water Act, 33 USC §1313(d)(1)(C), and the implementing regulation of the US Environmental Protection Agency, 40 CFR §130.7(c)(1).

Note: A list of Wisconsin impaired water bodies may be found on the Department’s Internet site at: <http://dnr.wi.gov/topic/impairedwaters/>

1.5.2 If the permittee’s MS4 discharges to an impaired water body, the permittee shall include a written section in its storm water management program that discusses the management practices and control measures it will implement as part of its program to reduce, with the goal of eliminating, the discharge of pollutant(s) of concern that contribute to the impairment of the water body. This section of the permittee’s program shall specifically identify control measures and practices that will collectively be used to try to eliminate the MS4’s discharge of pollutant(s) of concern that contribute to the impairment of the water body and explain why these control measures and practices were chosen as opposed to other alternatives.

1.5.3 After the effective date of this permit, the permittee may not establish a new MS4 discharge of a pollutant of concern to an impaired water body or increase the discharge of a pollutant of concern to an impaired water body unless the new or increased discharge causes the receiving water to meet applicable water quality standards, or the Department and the USEPA have approved a total maximum daily load (TMDL) for the impaired water body. If there is an

1.5.4.2 With the annual report due March 31, 2017, the permittee shall submit a tabular summary that includes the following for each reachshed and for each pollutant of concern:

1.5.4.2.1 The permittee's wasteload allocation as provided by Department in the TMDL.

1.5.4.2.2 The modeled MS4 annual average pollutant load and estimated daily loads without any storm water control measures.

1.5.4.2.3 The modeled MS4 annual average pollutant load and estimated daily loads with existing storm water control measures.

1.5.4.2.4 The existing storm water control measures including the type of measure, area treated in acres, the percent pollutant load reduction efficiency, and confirmation of the permittee's authority for long-term maintenance of each practice.

1.5.4.3 If the summary required under section 1.5.4.2 shows that the permittee is not meeting all of its wasteload allocations, then with the annual report due March 31, 2017, the permittee shall submit a written plan to the Department that describes how the permittee will make progress toward achieving the wasteload allocations. The plan shall include the following information:

1.5.4.3.1 Recommendations and options for storm water control measures that will be considered to reduce the discharge of each pollutant of concern.

1.5.4.3.2 A proposed schedule for implementation of the recommendations and options identified under section 1.5.4.3.1.

Note: The proposed schedule may extend beyond the expiration date of this permit.

1.5.4.3.3 A cost effectiveness analysis for implementation of the recommendations and options identified under section 1.5.4.3.1.

Note: The Department intends to develop guidance and make it available on the Department's Internet site to assist a permittee with developing a plan under this section. The plan may incorporate green infrastructure or low impact development practices. For many pollutants of concern, water quality trading may be an option considered by a permittee as part of its plan. For phosphorus reduction, a permittee may consider entering into an adaptive management agreement with a traditional point source discharger as described in s. NR 217.18, Wis. Adm. Code.

1.5.4.4 The permittee shall implement the plan for meeting the TMDL WLA as part of its ongoing stormwater management program, and shall report on progress in implementing BMPs to meet the TMDL WLA as part of its annual MS4 reports.

Commented [GU2]: Consider if we may want to have something besides the annual average pollutant load since the TMDL WLA may be expressed as a daily load.

Commented [GU3]: As we discussed, suggest "many" vs. "any" to account for pollutants not well suited for trading, such as bacteria

1.6 Wetlands

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1.12 Public Comment and Request for Public Hearing

All written comments received by the Department within 30 days of an MS4 the Department intends to cover under this permit being listed on the Internet site will be considered along with any other information on file to determine if coverage under this permit is appropriate. A public informational hearing may also be held if significant public interest is expressed.

Note: Requests for a public informational hearing must be filed within 30 days of an MS4 the Department intends to cover under this permit being listed on the Department’s Internet site, and must indicate the interest of the party filing the request and the reasons why a hearing is warranted. Comments and requests for public hearing shall be mailed to: Wisconsin DNR, Storm Water Program – WT/3, P.O. Box 7921, Madison, WI 53707-7921. The Department will evaluate comments and requests for public hearing to determine if there is sufficient interest to hold a public hearing prior to authorizing coverage under this permit.

1.13 Transfers

Coverage under this permit is not transferable to another municipality without the express written approval of the Department. If the permittee’s MS4 is annexed into another municipality, the permittee shall immediately notify the Department by letter of the change. If the permittee ceases to own or operate any MS4 regulated under this permit, the Department may terminate its coverage under this permit.

1.14 Exclusions

The following are excluded from coverage and are not authorized under this permit:

1.14.1 Combined Sewer and Sanitary Sewer Systems

Discharges of water from a sanitary sewer or a combined sewer system conveying both sanitary and storm water. These discharges are regulated under s. 283.31, Wis. Stats, and require an individual permit.

1.14.2 Agricultural Facilities and Practices

Discharges from agricultural facilities and agricultural practices. “Agricultural facility” means a structure associated with an agricultural practice. “Agricultural practice” means beekeeping; commercial feedlots; dairying; egg production; floriculture; fish or fur farming; grazing; livestock raising; orchards; poultry raising; raising of grain, grass, mint and seed crops; raising of fruits, nuts and berries; sod farming; placing land in federal programs in return for payments in kind; owning land, at least 35 acres of which is enrolled in the conservation reserve program under 16 USC 3831 to 3836; and vegetable raising.

1.14.3 Other Excluded Discharges

Storm water discharges from industrial operations or land disturbing construction activities that require separate coverage under a WPDES permit pursuant to subchs. II or III of ch. NR 216, Wis. Adm. Code. For example, while storm water from industrial or construction activity may discharge to an MS4, this permit does not satisfy the need to obtain any other permits for those discharges. This exclusion does not apply to the permittee’s responsibility to regulate construction sites within its jurisdiction in accordance with sections 2.4 and 2.5 of this permit.

1.14.4 Indian Country

Storm water discharges within Indian Country. The federal Clean Water Act requires that owners and operators of storm water discharges within Indian Country in Wisconsin to obtain permit coverage directly from the United States Environmental Protection Agency.

Commented [GU7]: Here or in Section 1.2 (Authorized Discharges) we should cross-reference to the illicit discharge section and say non-stormwater discharges not allowed unless they have been determined to be OK pursuant to that section.

The permittee shall maintain its program to notify the public of activities required by this permit and to encourage input and participation from the public regarding these activities. This program shall have measurable goals for public involvement and participation and comply with applicable state and local public notice requirements.

2.3 Illicit Discharge Detection and Elimination

The permittee shall continue to implement and enforce its program to detect and remove illicit connections and discharges to the MS4. The program shall have measurable goals and include all of the following:

2.3.1 An ordinance or other regulatory mechanism to prevent and eliminate illicit discharges and connections to the MS4. At a minimum, the ordinance or other regulatory mechanism shall:

2.3.1.1 Prohibit the discharge, spilling or dumping of non-storm water substances or materials into waters of the state or the MS4.

2.3.1.2 Identify non-storm water discharges or flows that are not considered illicit discharges. Non-storm water discharges that are not considered illicit discharges include water line flushing, landscape irrigation, diverted stream flows, uncontaminated groundwater infiltration, uncontaminated pumped groundwater, discharges from potable water sources, foundation drains, air conditioning condensation, irrigation water, lawn watering, individual residential car washing, flows from riparian habitats and wetlands, fire-fighting and discharges authorized under a WPDES permit unless identified by the permittee or the Department as a significant source of pollutants to waters of the state.

2.3.1.3 Establish inspection and enforcement authority.

Note: Chapter NR 815, Wis. Adm. Code, regulates injection wells including storm water injection wells. Construction or use of a well to dispose of storm water directly into groundwater is prohibited under s. NR 815.11(5), Wis. Adm. Code.

2.3.2 On-going dry weather field screening of outfalls during the term of the permit. Outfalls that will be evaluated on an on-going basis and the field screening frequency shall be identified. In establishing the list of outfalls to be evaluated and screening frequency, consideration shall be given to hydrological conditions, total drainage area of the site, population density of the site, traffic density, age of the structures or buildings in the area, history of the area and land use types. At a minimum, field screening shall be documented and include:

2.3.2.1 Visual Observation - A narrative description of visual observations including color, odor, turbidity, oil sheen or surface scum, flow rate and any other relevant observations regarding the potential presence of non-storm water discharges or illicit dumping.

2.3.2.2 Field Analysis - If flow is observed, a field analysis shall be conducted to determine the presence of illicit non-storm water discharges or illicit dumping. The field analysis shall include sampling for pH, total chlorine, total copper, total phenol and detergents, unless the permittee elects instead to use detergent, ammonia, potassium and fluoride as the indicator parameters. Other alternative indicator parameters may be authorized by the Department in writing.

Commented [GU8]: Do we want to establish a minimum frequency, e.g., all major outfalls must be screened at least once during the permit term. Or something like that?

2.3.5.1 An illicit discharge that originates from the permittee's permitted area that discharges directly to a municipal separate storm sewer or property under the jurisdiction of another municipality.

2.3.5.2 An illicit discharge that has been tracked upstream to the interconnection point with or outfall from another municipality.

2.3.6 The name, title and phone number of the individual(s) responsible for responding to reports of illicit discharges and spills shall be included in the illicit discharge response procedure.

2.4 Construction Site Pollutant Control

The permittee shall continue to implement and enforce its program to reduce the discharge of sediment and construction materials from construction sites. The program shall have measurable goals and include:

2.4.1 An ordinance or other regulatory mechanism to require erosion and sediment control at construction sites and establish sanctions to ensure compliance. At a minimum, the ordinance or other regulatory mechanism shall establish or include:

2.4.1.1 Applicability and jurisdiction.

2.4.1.1.1 Pursuant to the authority provided to the permittee under Wisconsin statutes, it shall apply to all construction sites with one acre or more of land disturbance, and to sites of less than one acre if they are part of a larger common plan of development or sale under the jurisdiction of the permittee.

2.4.1.2 Erosion and sediment control criteria, standards and specifications equivalent to those approved by the Department.

Note: The Department-approved erosion and sediment control technical standards are available through the Department's Internet site at:
http://dnr.wi.gov/topic/stormwater/standards/const_standards.html

2.4.1.3 Construction site performance standards equivalent to or more restrictive than those in ss. NR 151.11 and 151.23, Wis. Adm. Code. If the ordinance does not contain construction site performance standards that, at a minimum, are at least as restrictive as those in ss. NR 151.11 and 151.23, Wis. Adm. Code, the permittee shall create or amend the ordinance to meet this requirement within 18 months of the date of notification on coverage under this permit.

Note: Chapter NR 151, Wis. Adm. Code, as amended became effective January 1, 2011.

2.4.1.4 Erosion and sediment control plan requirements for landowners of construction sites equivalent to those contained in s. NR 216.46, Wis. Adm. Code.

2.4.1.5 Inspection and enforcement authority.

Commented [GU9]: Ordinance must be updated to incorporate the ELGs. Some states say the ordinance must have provisions at least as stringent as the current version of the State CGP.

Note: Chapter NR 151, Wis. Adm. Code, as amended became effective January 1, 2011.

2.5.1.4 Storm water plan requirements for landowners of construction sites equivalent to those contained in s. NR 216.47, Wis. Adm. Code.

2.5.1.5 Long-term maintenance requirements for landowners and other persons responsible for long-term maintenance of post-construction storm water control measures.

2.5.1.6 Inspection and enforcement authority.

2.5.2 Procedures that will be used by the permittee to ensure the long-term maintenance of storm water management facilities.

Note: A town may demonstrate to the Department that an adequate county ordinance that meets the requirements of this permit is administered and enforced within its town and then the town could be excused from having to adopt its own ordinance.

2.6 Pollution Prevention

The permittee shall continue to implement its pollution prevention program. The program shall have measurable goals and include:

2.6.1 An inventory of municipally owned or operated structural storm water management facilities.

2.6.2 Routine inspection and maintenance of municipally owned or operated structural storm water management facilities to maintain their pollutant removal operating efficiency.

Note: Chapter NR 528, Wis. Adm. Code, *Management of Accumulated Sediment from Storm Water Management Structures*, establishes a process to regulate sediment removal and use to help storm water pond owners manage storm water pond sediment. Information on NR 528 and managing accumulated sediment from storm water ponds is available through the Department's Internet site at: <http://dnr.wi.gov/topic/waste/nr528.html>

2.6.3 Routine street sweeping and cleaning of catch basins with sumps where appropriate.

2.6.4 Proper disposal of street sweeping and catch basin cleaning waste.

2.6.5 If road salt or other deicers are applied by the permittee, no more shall be applied than necessary to maintain public safety. Information on deicing activities shall be submitted with the annual report required under section 2.9 of this permit beginning with the annual report due by March 31, 2015 and annually thereafter and include:

2.6.5.1 Contact information for the individual(s) with overall responsibility for winter roadway maintenance.

2.6.5.2 Description of the types of deicing products used.

2.6.5.3 The amount of deicing product used per month.

2.6.7.6 Employee training on storm water pollution prevention at the facility.

2.6.7.7 Spills prevention and response procedures.

2.6.8 Application of turf and garden fertilizers on municipally controlled properties, with pervious surfaces over 5 acres each, in accordance with a site-specific nutrient application schedule based on appropriate soil tests.

2.6.9 Consideration of environmentally sensitive land development designs for municipal projects, including green infrastructure and low impact development.

Note: Additional information on green infrastructure and low impact development may be found on the USEPA's Internet site at:

<http://water.epa.gov/infrastructure/greeninfrastructure/index.cfm>

<http://water.epa.gov/polwaste/green/index.cfm>

2.6.10 Education of appropriate municipal and other personnel involved in implementing this program.

2.6.11 Measures to reduce municipal sources of storm water contamination within source water protection areas.

Note: Wisconsin's source water assessment program information may be found on the Department's Internet site at: <http://dnr.wi.gov/topic/drinkingwater/sourcewaterprotection.html>

Updating Stormwater Plan / Program. It may be helpful to include provisions saying permittees should evaluate the adequacy/effectiveness of their program in conjunction with preparing the annual report, and should update the plan/program as appropriate.

2.7 Storm Water Quality Management

The permittee shall continue to implement its municipal storm water quality management program. This program shall maintain compliance with the developed urban area performance standards of s. NR 151.13(2)(b)1, Wis. Adm. Code, for those areas of the municipality that were not subject to the post-construction performance standards of ss. NR 151.12 or 151.24, or ss. NR 151.121 through 151.128 or ss. 151.241 through 151.248, Wis. Adm. Code. The program shall include:

2.7.1 To the maximum extent practicable, implementation and maintenance of storm water management practices necessary to meet the more restrictive total suspended solids reduction of either of the following:

2.7.1.1 The permittee shall maintain source area controls, structural storm water management facilities, and non-structural storm water best management practices that the permittee implemented on or before July 1, 2011 to achieve a reduction of 20% or more of total suspended solids carried by storm water runoff from existing development to waters of the state.

2.7.1.2 A 20% reduction in the annual average mass of total suspended solids discharging from the MS4 to surface waters of the state as compared to implementing no storm water management controls. Source area controls, structural storm water management

2.9.2 A fiscal analysis which includes the annual expenditures and budget for the reporting year, and the budget for the next year.

2.9.3 A summary of the number and nature of inspections and enforcement actions conducted to ensure compliance with the required ordinances.

2.9.4 Identification of any known water quality improvements or degradation in the receiving water to which the permittee's MS4 discharges. Where degradation is identified, identify why and what actions are being taken to improve the water quality of the receiving water.

2.9.5 A duly authorized representative of the permittee shall sign and certify the annual report and include a statement or resolution that the permittee's governing body or delegated representatives have reviewed or been apprised of the content of the annual report. A signed copy of the annual report and other required reports shall be submitted to the appropriate Department regional storm water contact or to the Wisconsin DNR, Storm Water Program – WT/3, P.O. Box 7921, Madison, WI 53707-7921.

Section on Recordkeeping / Maintaining Records?

2.10 Cooperation

The permittee may, by written agreement, implement this permit with another municipality or contract with another entity to perform one or more of the conditions of this permit. For example, if a county is implementing and enforcing an adequate storm water ordinance(s) within a town, the town would then not have to adopt its own ordinance. However, the permittee is ultimately responsible for compliance with the conditions of this permit.

2.11 Compliance Schedule for New and Updated Permit Requirements

The permittee shall meet the compliance schedule for the new and updated permit requirements listed in Table 1 below.

Note: Table 1 does not list all the requirements of this permit.

TABLE 1. Compliance Schedule for New and Updated Permit Requirements

PERMIT SECTION	ACTIVITY	COMPLIANCE DATE	COMMENTS
Section 1.5.1	Discharges to an impaired water body	By March 31, 2014 and by March 31 biennially thereafter	All permittees.
Section 1.5.4.1	Updated storm sewer system map and excluded areas	March 31, 2014	Applies to a permittee that discharges to an impaired water body with a TMDL approved prior to permit effective date that assigns the permittee a wasteload allocation.

3.2 Enforcement Action: The Department is authorized under s. 283.89 and 283.91, Wis. Stats., to utilize citations or referrals to the Wisconsin Department of Justice to enforce the conditions of this permit. Violation of a condition of this permit is subject to a fine of up to \$10,000 per day of the violation.

3.3 Compliance Schedules: Reports of compliance or noncompliance with interim and final requirements contained in any compliance schedule of the permit shall be submitted in writing within 14 days after the scheduled due date, except that progress reports shall be submitted in writing on or before each schedule date for each report. Any report of noncompliance shall include the cause of noncompliance, a description of remedial actions taken, and an estimate of the effect of the noncompliance on the permittee's ability to meet the remaining scheduled due dates.

3.4 Noncompliance

3.4.1 Upon becoming aware of any permit noncompliance that may endanger public health or the environment, the permittee shall report this information by a telephone call to the Department regional storm water specialist within 24 hours. A written report describing the noncompliance shall be submitted to the Department regional storm water specialist within 5 days after the permittee became aware of the noncompliance. The Department may waive the written report on a case-by-case basis based on the oral report received within 24 hours. The written report shall contain a description of the noncompliance and its cause; the period of noncompliance, including exact dates and times; the steps taken or planned to reduce, eliminate, and prevent reoccurrence of the noncompliance; and if the noncompliance has not been corrected, the length of time it is expected to continue.

3.4.2 Reports of any other noncompliance not covered under STANDARD CONDITIONS sections 3.3, 3.4.1, or 3.6. shall be submitted with the annual report. The reports shall contain all the information listed in STANDARD CONDITIONS section 3.4.1.

3.5 Duty to Mitigate: The permittee shall take all reasonable steps to minimize or prevent any adverse impact on the waters of the state resulting from noncompliance with the permit.

3.6 Spill Reporting: The permittee shall immediately notify the Department, in accordance with ch. NR 706, Wis. Adm. Code, in the event of a spill or accidental release of hazardous substances which has resulted or may result in a discharge of pollutants into waters of the state. The Department shall be notified via the 24-hour spill hotline at 1-800-943-0003.

3.7 Proper Operation and Maintenance: The permittee shall at all times properly operate and maintain all facilities and systems of treatment and control which are installed or used by the municipality to achieve compliance with the conditions of the permit and the storm water management plan. Proper operation and maintenance includes effective performance, adequate funding, adequate operator staffing and training and adequate laboratory and process controls, including appropriate quality assurance procedures. This provision requires the operation of back-up or auxiliary facilities or similar systems only when necessary to achieve compliance with conditions of this permit.

3.8 Bypass: The permittee may temporarily bypass storm water treatment facilities if necessary for maintenance, or due to runoff from a storm event which exceeds the design capacity of the treatment facility, or during an emergency.

technology or practices for the control or abatement of pollutants from the municipality; (d) Effluent limitations or standards are promulgated for a point source covered by the general permit after the issuance of that permit; or (e) A water quality management plan containing requirements applicable to the municipality is approved. In addition, as provided in s. 283.53, Wis. Stats., after notice and opportunity for a hearing this permit may be suspended, modified or revoked, in whole or in part, for cause.

3.18 Signatory Requirements: All applications, reports or information submitted to the Department shall be signed by a ranking elected official, or other person authorized by those responsible for the overall operation of the MS4 and storm water management program activities regulated by the permit. The representative shall certify that the information was gathered and prepared under his or her supervision and, based on report from the people directly under supervision that, to the best of his or her knowledge, the information is true, accurate, and complete.

3.19 Attainment of Water Quality Standards after Authorization: At any time after authorization, the Department may determine that the discharge of storm water from a permittee's MS4 may cause, have the reasonable potential to cause, or contribute to an excursion of any applicable water quality standard. If such determination is made, the Department may require the permittee to do one of the following:

- 3.19.1** Develop and implement an action plan to address the identified water quality concern to the satisfaction of the Department.
- 3.19.2** Submit valid and verifiable data and information that are representative of ambient conditions to demonstrate to the Department that the receiving water or groundwater is attaining the water quality standard.
- 3.19.3** Submit an application to the Department for an individual storm water discharge permit.

4. DEFINITIONS USED IN THIS PERMIT

Definitions for some of the terms found in this permit are as follows:

- 4.1 Department** means the Wisconsin Department of Natural Resources.
- 4.2 Erosion** means the process by which the land's surface is worn away by the action of wind, water, ice or gravity.
- 4.3 Hazardous substance** means any substance or combination of substances including any waste of a solid, semisolid, liquid or gaseous form which may cause or significantly contribute to an increase in mortality or an increase in serious irreversible or incapacitating reversible illness or which may pose a substantial present or potential hazard to human health or the environment because of its quantity, concentration or physical, chemical or infectious characteristics. This term includes, but is not limited to, substances which are toxic, corrosive, flammable, irritants, strong sensitizers or explosives as determined by the Department.
- 4.4 Illicit Connection** means any man-made conveyance connecting an illicit discharge to a municipal separate storm sewer system.

4.13.4 Which is not part of a publicly owned wastewater treatment works that provides secondary or more stringent treatment.

4.14 Outfall means the point at which storm water is discharged to waters of the state or to a storm sewer (e.g., leaves one municipality and enters another).

4.15 Permittee means a person who has applied for and received WPDES permit coverage for storm water discharge. For the purposes of this permit, permittee is the owner or operator of a municipal separate storm sewer system authorized to discharge storm water into waters of the state.

4.16 Permitted Area means the areas of land under the jurisdiction of the permittee that drains into a municipal separate storm sewer system, which is regulated under a permit issued pursuant to subch. I of NR 216, Wis. Adm. Code.

4.17 Pollutant(s) of concern means a pollutant that is causing impairment of a water body.

4.18 Reach means a specific stream segment, lake or reservoir as identified in a TMDL.

4.19 Reachshed means the drainage area contributing runoff to a given reach.

4.20 Redevelopment means areas where development is replacing older development.

4.21 Riparian Landowners are the owners of lands bordering lakes and rivers.

4.22 Sediment means settleable solid material that is transported by runoff, suspended within runoff or deposited by runoff away from its original location.

4.23 Start Date is the initial date of permit coverage, which is specified in the Department letter authorizing coverage under this permit.

4.24 Storm Water Management Practice means structural or non-structural measures, practices, techniques or devices employed to avoid or minimize soil, sediment or pollutants carried in runoff to waters of the state.

4.25 Storm Water Pollution Prevention Planning refers to the development of a site-specific plan that describes the measures and controls that will be used to prevent and/or minimize pollution of storm water.

4.26 Structural Storm Water Management Facilities are engineered and constructed systems that are designed to provide storm water quality control such as wet detention ponds, constructed wetlands, infiltration basins and grassed swales.

4.27 Total maximum daily load or TMDL means the amount of pollutants specified as a function of one or more water quality parameters, that can be discharged per day into a water quality limited segment and still ensure attainment of the applicable water quality standard.

4.28 Urbanized Area means a place and the adjacent densely settled surrounding territory that together have a minimum population of 50,000 people, as determined by the U.S. bureau of the census based on the latest decennial federal census.